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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,614	04/12/2004	Shigeki Taniguchi	3169.70231	5008

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EXAMINER

MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2451

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01/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/822,614	TANIGUCHI ET AL.	
	Examiner	Art Unit	
	Glenford Madamba	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15, 17-19, 23, 25-27, 30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 17-19, 23, 25-27, 30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to remarks filed by Applicant's representative on November 25, 2008.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 25, 2008 has been entered.

Response to Remarks

2. With respect to Applicant's latest submission, the Office has given consideration to the remarks filed on November 25, 2008, but has deemed the arguments unpersuasive and/or insufficient to overcome the current rejection of the claims under Kirani and Davis of the previous Office action, as will be discussed below.

With respect to independent claims 14, 23 and 30, Applicant argues that neither Kirani nor Davis teaches or discloses particular features of the claim, which recites in part "adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the incoming melody data giving notification, by music, of incoming data when the data is received, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request". The Office respectfully disagrees and submits that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of Kirani and/or Davis.

In support of his argument, Applicant remarks that Davis merely discloses the features of embedding metadata such as audio, video and image in a media signal and processing the metadata embedded in the media signal, as taught by paragraphs [0002- 0005] and [0090-0091]; thus, the features of Davis differ from the feature of "adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request." The Office respectfully disagrees.

In response to the argument, the Office remarks and asserts that the recited feature of "adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the incoming melody data giving

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notification, by music, of incoming data when the data is received, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request” is expressly taught by at least Davis. Davis discloses as his invention a steganographic embedder that associates data with a media signal ‘objects’ (i.e., images, audio, computer generated graphics, video, etc.) by encoding the data, a link to the data, or a combination of both into the media signal [Abstract] Specifically, Davis expressly teaches as part of his invention “associating data” (i.e., metadata) and/or “embedding metadata” in a media signal object (e.g., images, audio, graphics video, etc.) [0003-0004]. Davis expressly discloses as part of his invention, for example, the processing of media signal objects having steganographically embedded (e.g., images and video ‘embedded’ with metadata in the form of *compressed voice data*), as well as the ‘editing’ and transfer of the media signal from one device to another [0006-0009]. Davis also expressly teaches and discloses “technology that may be used to associate data (metadata) in other signal types, including but not limited to *audio signals*” [0024] as well as steganographic methods that can “encode data in an image, including *identifiers* and *references* that associate the image with additional data stored outside the image itself [0025].

Moreover, Davis expressly discloses in one embodiment that “a *descriptor* embedded in the image may be in the form of *text*, or a *number* that refers to metadata stored outside the image” [0063]. Davis also provides an exemplary listing of the ‘data types’ or auxiliary information that may be embedded or associated with the media

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signal object (e.g., 'combining' a watermark signal with the associated image) [0096-0098] (e.g., auxiliary data ', including but not limited to "who took the picture" "subject of the picture", "where/when/how/why the picture was taken", "image type", "copyright owner", "user comments", "picture identifiers", "Sound annotation or reference to sound annotation", "compression format of image", "references to other information", "machine instructions of sets of instructions" [0106-0135] (e.g., "a compliant application 'adds' metadata to the image, and sends the metadata to the metadata server....) [0141] [Fig. 3]

Additionally, Davis teaches and discloses that the user may specify or request one or more of the above types of 'auxiliary data' to be associated with the images: 1) through the user interface of the camera; or 2) through an external device [0056] [0060] [Fig. 1]

Based on the above, it is thus clear that at least Davis expressly teaches the above argued and recited feature of "adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the incoming melody data giving notification, by music, of incoming data when the data is received, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request", and the Office thus maintains the rejection of the claims for at least the reasons and justifications provided in the above discussion.

Response to Amendments

3. With respect to Applicant's latest submission, the Office has given consideration to the amendments (addition of new claim 15) filed on April 24, 2008, but is now deemed moot in view of the following grounds of rejection, provided below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-15, 17-19, 23, 25-27, 30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1 in view of Davis et al, U.S. Patent Publication US 2002/0001395 A1.

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As per Claims 14, 23 and 30, Kirani in view of Davis discloses a server that receives a request to save data from a terminal apparatus [Fig. 3], the server (Multimedia Message Extractor 320) comprising:

a communication unit that communicates with the terminal apparatus (e.g., Sender 300) [Fig. 3];

a data addition unit adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the incoming melody data giving notification, by music, of incoming data when the data is received, the at least one of text data, audio data and incoming melody data being designated by a data addition designation included in the request (Davis: e.g., the user may specify the types of 'auxiliary data' to be associated with the images) [0056] [0060] [Fig. 1] ;

a storage unit that stores the data processed by the data addition unit (e.g., Media Storage Repository 325) [Fig. 3]; and

an instruction information generation unit that generates instruction information representing a destination in which to store the data (e.g., URL, block 505)[Fig. 5a].

While Kirani discloses substantial features of the invention, as above, the additionally recited feature of a data addition unit adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data, the incoming melody data giving notification, by music, of incoming data when the data is received, the at least one of text data, audio data and incoming melody data

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being designated by a data addition designation included in the request is disclosed by Davis in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the server comprising a data addition unit (e.g., MetaData Server with Stenographic Embedder / Emcoder) [Abstract] [Figs. 3 & 4] adding, with respect to data received via the communication unit, at least one of text data, audio data and incoming melody data according to the presence of processing and the type of processing designated by the request, the incoming melody data giving notification, by music, of incoming data when the data is received (e.g., 'editing the media signal') [0008] (e.g., associating, embedding, and / or encoding 'data' with a media signal or object) [Abstract] (i.e., associating / embedding 'data' such as 'text' to a media signal) [0063], (i.e., associating an image with other images) [0090-0091] (i.e., associating a 'picture' with audio / song) [0003-0005] [0024].

Davis additionally teaches and discloses that the user may specify or request one or more of the above types of 'auxiliary data' to be associated with the images: 1) through the user interface of the camera; or 2) through an external device [0056] [0060] [Fig. 1]

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 25 and 32 recite the same limitations as claim 17, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 17, 25 and 32, Kirani in view of Davis discloses a terminal apparatus (Cell Phone 911 / Media Capture Device 913) [Fig. 11c] comprising:

a communication unit (Cell phone/modem) [Table 1] that communicates with a server apparatus (Web Server) [Figs. 9 & 11c] (Photoserver) [0098];

a processing unit that executes an external program (e.g., photo-editing software) [0004] received from the server apparatus via the communication unit (Image Processor 102) [0081] [Fig. 1a]; and

an internal memory unit (e.g., Memory 20) [Fig. 1] memorizing various types of internal data (e.g., Data Types) [0027];

a display unit displaying a content of an output region as it is (e.g. Display 24) [Fig. 1]; and

a data management unit converting the internal data to a new format (e.g., FlashPix, JPEG, GIF, JPEG 200 file format conversion/compression) [Fig. 4] limiting an

understanding of information on the internal data by executing an internal program managing the internal data and outputting the converted internal data to the output region in accordance with a request from the external program executed by the processing unit (CPU 106) [Fig. 1a], wherein

the request including information specifying the internal data and information designating an output of the specified internal data to the output region [0034] [0159] [Fig. 4a].

While Kirani discloses substantial features of the invention, as above, the additionally recited feature of the terminal apparatus further comprising an internal memory unit memorizing various types of internal data, a display unit displaying a content of an output region as it is, and a data management unit converting the internal data to a predetermined format and outputting the converted internal data to the output region in accordance with a request from the program executed by the processing unit, wherein the request including information specifying the internal data and information designating an output of the specified internal data to the output region, is disclosed by Davis in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the terminal apparatus further comprising an internal

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memory unit (e.g., Memory 20) [Fig. 1] memorizing various types of internal data (e.g., Data Types) [0027], a display unit displaying a content of an output region as it is (e.g. Display 24) [Fig. 1], and a data management unit converting the internal data to a predetermined format and outputting the converted internal data to the output region in accordance with a request from the program executed by the processing unit (CPU 106) [Fig. 1a], wherein the request including information specifying the internal data and information designating an output of the specified internal data to the output region (the formatter transforms the image signal into a form suitable for further processing and stores it in the memory subsystem) [0034] [0159].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 25 and 32 recite the same limitations as claim 17, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 18, 26 and 33, Kirani in view of Davis discloses the terminal apparatus of claim 17, wherein the internal data includes character data and the converted internal data includes data where the characters have been converted to an image.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 17, the additionally recited feature of the apparatus wherein the internal data includes character data and the converted internal data includes data where the characters have been converted to an image is disclosed by Davis in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the apparatus wherein the internal data includes character data and the converted internal data includes data where the characters have been converted to an image [0004-0006] [0027-0029] [0100-0103].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 26 and 33 recite the same limitations as claim 18, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 19, 27 and 34, Kirani in view of Davis discloses the terminal apparatus of claim 17, wherein the information specifying the internal data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 17, he does not explicitly disclose the apparatus wherein the information specifying the internal data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information. The feature is disclosed by Kirani '697 in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the apparatus wherein the information specifying the internal data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information (i.e., Data Types) [0027] [0106-0135].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as

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disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 27 and 34 recite the same limitations as claim 19, are distinguished only by statutory category, and thus rejected on the same basis.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1 in view of Davis et al, U.S. Patent Publication US 2002/0001395 A1 and in further view of Takemura, U.S. Patent 6,657,658 B2.

As per Claim 15, Kirani in view of Davis and in further view of Takemura discloses the server of claim 14, further comprising a processing unit that executes, when the data is image data, a finishing process designated by an image finishing designation included in the request with respect to that image data.

While the combination of Kirani and Davis discloses substantial features of the invention, as in claim 14 above, the additionally recited feature of the server further comprising a processing unit that executes, when the data is image data, a finishing

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process designated by an image finishing designation included in the request with respect to that image data is disclosed by Takemura in a related endeavor.

Takemura discloses as his invention an image processing method to confirm whether processing set according to a desired 'finish' of a picture actually results in the desired finish before the image is reproduced on a photographic print or a CRT according to the processed image data [Abstract] [col 1, L60-67]. Specifically, Takemura discloses the recited feature of a server further comprising a finishing process designated by an image finishing designation included in the request with respect to that image data (e.g., "Special Finish") [Figs. 3 and 5] (e.g., Finish Information & Image Processing Means_302) [Fig. 6].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kirani and Davis with the above feature, as disclosed by Takemura, for the motivation of ensuring that a picture of the desired finish can be constantly obtained [col 1, L60-67].

Conclusion

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It

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is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451

Glenford Madamba
Examiner
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